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TECHNOLOGY CENTER 2800

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In re Application of:
Fernandez et al.
Application No. 09/823,509
Filed: March 29, 2001
For: INTEGRATED NETWORK FOR
MONITORING REMOTE OBJECTS

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DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the Supplement to Petition To Make Special under MPEP § 708.02, XI: Inventions for Countering Terrorism, filed May 5, 2003, which is being treated as a request for reconsideration of the decision mailed March 17, 2003. The request for reconsideration does not require a fee.

A grantable petition to make an application special under 37 C.F.R. § 1.102(d), and in accordance with MPEP § 708.02, XI, for an invention which contributes to the countering of terrorism, must be accompanied by a statement explaining how the invention contributes to countering terrorism. The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

In the first petition filed March 3, 2003, the Petitioner states that the invention contributes to countering terrorism because the invention transmits object locations to a console processor, which is coupled to a detector and mobile sensor, and where the console has a data structure for representing a monitored object. In the supplemental petition, the Petitioner states that the invention "directly counters terrorism as it relates to remote surveillance and communications" by determining the exact location of objects using cameras and satellite receivers for the surveillance of suspected terrorist activity.

Petitioner's arguments have been fully considered but are not deemed persuasive. MPEP 708.02 XI lists examples of types of inventions that would qualify as countering terrorism, such as systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. While a grantable petition is not limited to these examples, all of the examples provided clearly act to directly counter terrorism. The intent of the examples is that any such disclosed invention must clearly act to counter terrorism.

The disclosure and claims of the instant application have been considered and there is no clear nexus between the disclosed invention and applicant's assertions that remote surveillance and communications would in fact *directly* counter terrorism. The statements made in the

supplemental petition do not show how the technology of the instant application directly contributes to the countering of terrorism. The invention is generally directed to a remote or local monitoring of objects typically by use of cameras and satellite receivers. Additionally, disclosed uses of the invention are typically for other than countering terrorism as follows:

- Medical applications - second full paragraph on page 7, first full paragraph on page 19, and the last full paragraph on page 26.
- Home security applications – third full paragraph on page 7.
- Commercial/Business/Finance applications – first full paragraph on page 19, second and third full paragraphs on page 24, last full paragraph on page 25, the first and second full paragraphs on page 27.
- Search and rescue applications – first full paragraph on page 26.
- Some miscellaneous applications – first full paragraph on page 32.

A generic surveillance system does not constitute a specific invention for countering terrorism.

Accordingly, the supplemental petition is **DENIED**.

Petitioner is given TWO MONTHS from the date of this decision to request reconsideration and supplement the original petition as appropriate. Should petitioner decide to petition this decision, a separate petition under 37 CFR 1.181(a)(3) should be filed.

The application file will be returned to the Technology Center's central files storage area to await action in its regular turn.



Allen R. MacDonald, Director
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